APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,297	09/19/2003	Antti Vaha-Sipila	915-008.014	8405

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EXAMINER
GERGISO, TECHANE

ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/667,297	VAHA-SIPILA, ANTTI
	Examiner	Art Unit	
	Techane J. Gergiso	2137	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 September 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>09/19/2003</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-10 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Jobst et al.

(US Pat. No.: 6,707,915).

As per claim 1:

Jobst et al. fully disclose a method for enabling integrity checking of a software module

to be used in a mobile communication terminal:

said terminal capable of communicating in a mobile communication system

(Column 2: lines 14-19);

said software module being stored on a removable memory unit connected to the

terminal (Figure 2: 16);

said method characterized in that the terminal communicates via the mobile

communication system with the software provider (Column 2: lines 5-9);

said communication including reception of a digitally signed data block

comprising a reference value for use during integrity checking of said software module

(Column 1: lines 51-67; Column 2: lines 1-19).

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-10 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Jobst et al.

(US Pat. No.: 6,707,915).

As per claim 1:

Jobstt et al. fully disclose a method for enabling integrity checking of a software module

to be used in a mobile communication terminal:

said terminal capable of communicating in a mobile communication system

(Column 2: lines 14-19);

said software module being stored on a removable memory unit connected to the

terminal (Figure 2: 16);

said method characterized in that the terminal communicates via the mobile

communication system with the software provider (Column 2: lines 5-9);

said communication including reception of a digitally signed data block

comprising a reference value for use during integrity checking of said software module

(Column 1: lines 51-67; Column 2: lines 1-19).

As per claim 2:

      Jobst et al. fully disclose a method, comprising the steps of:

          hashing the software module, resulting in a first hash value (Figure 8: 60, 61, 62);

          transmitting a first identifier, associated with the memory unit, a second identifier, associated with the terminal and the first hash value via the mobile communication system to a provider of the software module (Column 2, lines 20-33, lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50);

          receiving, from the provider of the software module, a data block comprising a digital signature and further data associated with the memory unit and the terminal. (Column 2: lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50);

          analyzing the received data block, comprising verification of the digital signature and comparison of said further data with said first and second identifiers (Column 2: lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50);

          storing the received data block comprising the digital signature, thereby providing a reference value for use during integrity checking of said software module (Column 2: lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50).

As per claim 3:

      Jobst et al. disclose a method, where the transmission of the first identifier includes transmission of a memory unit serial number (Column 2: lines 20-33).

As per claim 4:

Jobst et al. disclose a method, where the transmission of the first identifier includes transmission of a software module identification number (Column 4: lines 35-51).

As per claim 5:

Jobst et al. disclose a method, where the transmission of the second identifier includes transmission of an international mobile station equipment identity code (Column 2: lines 20-33; Figure 4: 37).

As per claim 6:

Jobst et al. fully disclose a mobile communication terminal, comprising

means for enabling integrity checking of a software module to be used in the terminal (Figure 4; Figure 6);

said terminal capable of communicating in a mobile communication system (Column 2: lines 14-19);

said software module being stored on a removable memory unit connected to the terminal (Figure 2: 16);

said terminal characterized in that it comprises means for communicating via the mobile communication system with the software provider (Column 2: lines 5-9);

said means for communication including means for receiving a digitally signed data block comprising a reference value for use in means for integrity checking of said software module (Column 1: lines 51-67; Column 2: lines 1-19).

As per claim 7:

.Jobst et al. fully disclose a terminal comprising:

means for hashing the software module, arranged to provide a first hash value (Figure 8: 60, 61, 62);

means for transmitting a first identifier, associated with the memory unit, a second identifier, associated with the terminal and the first hash value via the mobile communication system to a provider of the software module (Column 2, lines 20-33, lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50);

means for receiving, from the provider of the software module, a data block comprising a digital signature and further data associated with the memory unit and the terminal (Column 2: lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50);

means for analyzing the received data block, comprising means for verification of the digital signature and comparison of said further data with said first and second identifiers (Column 2: lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50);

means for storing the received data block comprising the digital signature, arranged to provide a reference value for use during integrity checking of said software module (Column 2: lines 46-64; Column 3: lines 1-22; Column 4: lines 21-50).

As per claim 8:

Jobst et al. disclose a terminal, where the means for transmitting the first identifier includes means for transmitting a memory unit serial number (Column 4: lines 35-51).

As per claim 9:

Jobst et al. disclose a terminal, where the means for transmitting the first identifier includes means for transmitting a software module identification number (Column 4: lines 35-51).

As per claim 10:

Jobst et al. disclose a terminal, where the means for transmitting the second identifier includes means for transmitting an international mobile station equipment identity code (Column 2: lines 20-33; Figure 4: 37).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See the notice of reference cited in form PTO-892 for additional prior art

Contact Information

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784 and fax number is (571) 273-3784. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. G

Techane Gergiso

Patent Examiner

Art Unit 2137

March 18, 2006

MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137